

A.G. Contract No. KR89-2780-TRD  
ECS File: JPA-89-147  
Project: F-073-1-501C/H0659 04C  
Section: State Route 87, Jct. SR 260  
- Houston Mesa Road

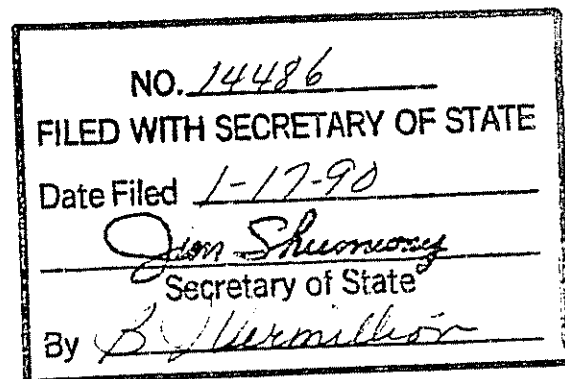
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE TOWN OF PAYSON

THIS AGREEMENT is entered into 17 January, 1990,  
pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as  
amended, between the STATE OF ARIZONA, acting by and through its  
DEPARTMENT OF TRANSPORTATION (the "State") and the Town of  
Payson (the "Town").

I. RECITALS

1. The state is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.



3. Incident to an improvement project to State Route 87 (SR 87) State now has in progress, the Town has requested, and State has agreed, to install four utility sleeves, at Town expense, estimated to cost \$18,300; said utility sleeves to be installed at the following approximate locations.

Station 137 + 70, 24" X 74' steel sleeve.

Station 142 + 60, 24" X 74' steel sleeve.

Station 159 + 20, 24" X 74' steel sleeve.

Station 181 + 20, 24" X 74' steel sleeve.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## II. SCOPE OF WORK

1. State will:

a. Include in construction documents for improvements to SR 87 the installation of four steel utility sleeves crossing SR 87, as requested by Town.

b. Provide plans for installation of said steel utility sleeves to Town for review.

c. Administer construction and approve and accept the project upon construction completion.

d. Upon completion of construction, invoice Town for all actual costs related to the installation of said utility sleeves including design engineering costs, construction costs, and construction engineering and administration costs; said costs estimated to be EIGHTEEN THOUSAND THREE HUNDRED DOLLARS (\$18,300) in accordance with Exhibit A, attached hereto and made a part hereof.

2. Town will:

a. Within thirty days after receipt of State's invoice, reimburse State the actual costs for installation of said utility sleeves.

b. Upon completion and acceptance of construction by State, assume responsibility for maintenance of said utility sleeves.

c. Be responsible for any contractor claims for extra compensation due to delays or whatever reason, attributable by State to Town for installation of said utility sleeves.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said payment by Town; provided, however, that this agreement, except for provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Engineering Consultants Services  
205 South 17 Avenue, Room 118E  
Phoenix, Arizona 85007

Town Manager  
Town of Payson  
303 North Beeline Highway  
Payson, Arizona 85541

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF PAYSON

STATE OF ARIZONA  
Department of Transportation

*D. Elaine Drarbaugh*  
By *Vice-Mayor*  
ERNEST J. (JACK) BENNETT  
Mayor

By *Robert P. Mickelson*  
ROBERT P. MICKELSON  
for Deputy State Engineer

ATTEST: *Linda J. Foster*  
LINDA J. FOSTER  
City Clerk

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EXHIBIT A  
to  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE TOWN OF PAYSON

ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT
24" CMP	L.F.	296	\$42.50	\$ 12,580
ADD: Design Engineering				4,233
ADD: 15% of Construction Costs for Construction Engineering and Administration				1,887
TOTAL ESTIMATED COSTS ASSIGNED TO TOWN OF PAYSON				\$ 18,300

RESOLUTION

BE IT RESOLVED on this 14th day of November 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the Town of Payson for the purpose of defining responsibilities to construct the installation of water sleeves under SR-87.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

A handwritten signature in cursive script, reading "Charles L. Miller", written in dark ink.

CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

RESOLUTION NO. 677

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON TO AUTHORIZE THE MAYOR TO EXECUTE EXHIBIT I ATTACHED HERETO TO COMPLETE A JOINT TOWN OF PAYSON AND ARIZONA DEPARTMENT OF TRANSPORTATION IMPROVEMENT PROJECT TO STATE ROUTE 87 (SR 87) ALL PURSUANT TO IGA 89-147.

WHEREAS, incident to an improvement project to State Route 87 (SR 87) State now has in progress, the Town has requested, and State has agreed, to install four utility sleeves, at Town expense, estimated to cost \$18,300, through IGA-89-147, attached hereto as Exhibit I, and,

WHEREAS, The Town of Payson will benefit from the finished project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR ;AND THE COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, that

The Mayor is hereby empowered to act as agent for the Town of Payson to execute Exhibit I, the IGA-89-147 attached hereto and that the necessary funding for the project's completion is hereby authorized to be spent, all according to the terms of Exhibit I.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 30<sup>th</sup> day of November, 1989 by the following vote:

AYES -6- NOES -0- ABSTENTIONS -0- ABSENT -1-

Ernest J. Bennett  
Ernest J. Bennett, Mayor

ATTEST:

Linda J. Foster  
Linda J. Foster, Town Clerk

APPROVED AS TO FORM:

Harlan W. Green  
Harlan W. Green, Town Attorney

HWG:lf

STATE OF ARIZONA	
COUNTY OF GILA	
TOWN OF PAYSON	
I, Linda J. Foster, Town Clerk of the Town of Payson, Arizona, do hereby certify that the foregoing is a true and correct copy of <u>Resolution No. 677</u> passed and adopted by the Common Council of the Town of Payson, Arizona.	
WITNESSED MY HAND AND THE SEAL OF THE TOWN OF PAYSON, ARIZONA, this <u>1st</u> day of <u>December</u> , 19 <u>89</u>	
<u>Linda J. Foster</u> Town Clerk — Town of Payson, Arizona	

JPA 89-147

APPROVAL OF THE TOWN ATTORNEY

*I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the TOWN OF PAYSON and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.*

DATED this 20 day of Dec, 1989.

Harlan W. Dreen

*Town Attorney*





Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. K892780TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 10<sup>th</sup> day of January, 198~~9~~<sup>90</sup>.

ROBERT K. CORBIN  
Attorney General

A handwritten signature in cursive script, appearing to read "James R. Rogers", written over a horizontal line.

Assistant Attorney General  
Transportation Division

0685G